



April 16, 1999

RECEIVED
APR 19 1999
FCC MAIL ROOM

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
TW-A325
445 12th Street, S.W.
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

Re: Joint Petition of the National Exchange Carrier Association, Inc. (NECA), National Rural Telecom Association (NRTA), National Telephone Cooperative Association (NTCA), Organization for the Promotion and Advancement of Small Telecommunications Companies (OPASTCO), and United States Telephone Association (USTA) for Expedited Interim Waiver of Section 52.33(a) of the Commission's Rules
CC Docket No. 95-116 /
CCB/CPD No. 99-9

Dear Ms. Salas:

Please find enclosed for filing in the above-captioned proceeding the original and twelve copies of the reply comments of Rock Hill Telephone Company, Fort Mill Telephone Company, and Lancaster Telephone Company.

Please stamp the additional copy enclosed for this purpose and return it in the self-addressed, stamped envelope provided.

Thank you for your assistance in this matter.

Sincerely,

E.L. Barnes
Executive Vice President

No. of Copies rec'd
List ABCDE

04/2

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20544

RECEIVED
APR 19 1999
FCC MAIL ROOM

In the Matter of

Joint Petition of the National Exchange)	
Carrier Association, Inc. (NECA), National)	
Rural Telecom Association (NRTA),)	
National Telephone Cooperative)	
Association (NTCA), Organization)	CC Docket No. 95-116
for the Promotion and Advancement)	CCB/CPD No. 99-9
of Small Telecommunications Companies)	
(OPASTCO), and United States)	
Telephone Association (USTA))	
for Expedited Interim Waiver of)	
Section 52.33(a) of the Commission's Rules)	

**Reply Comments of
Rock Hill Telephone Company,
Fort Mill Telephone Company, and Lancaster Telephone Company**

Rock Hill Telephone Company, Fort Mill Telephone Company, and Lancaster Telephone Company (collectively "Rock Hill") hereby submit these reply comments in favor of the waiver request filed by the National Exchange Carrier Association (NECA), National Rural Telecom Association (NRTA), National Telephone Cooperative Association (NTCA), Organization for the Promotion and Advancement of Small Telecommunications Companies (OPASTCO), and United States Telephone Association (USTA) in the above-captioned matter.¹ The Rock Hill companies support certain comments filed by several small incumbent local exchange carriers ("ILECs")

¹ Petition for Expedited Interim Waiver, CC Docket No. 95-116, CCB/CPD No. 99-9 (released March 24, 1999) (Petition)

regarding the waiver of section 52.33(a) of the Commission's Rules, which relates to the recovery of local number portability ("LNP") costs.

The Rock Hill companies are ILECs that provide telephone service to approximately 90,000 access lines in portions of York, Lancaster, and Chester counties in the South Carolina piedmont region. The Rock Hill companies, like many other small and mid-sized ILECs, do not yet provide local number portability in their switches, but will incur the cost of the database queries required when Extended Area Service ("EAS") calls are terminated in areas served by LNP capable switches. While the Commission's rules provide for the recovery of such costs by LNP-capable ILECs, a recovery mechanism for non-LNP-capable ILECs appears to be unavailable in the Commission's rules.

The Rock Hill companies are in agreement with Moultrie Independent Telephone Company, which states that the Commission's Rules do not provide a process for recovery of LNP costs associated with database queries for ILECS that do not provide LNP in their own switches.² Section 52.33(a) of the Commission's Rules allows ILECs to assess the costs of LNP, including database query costs, directly upon end-users if the ILEC provides LNP capability to those end-users. ILECs recoup these costs from a monthly charge billed directly to end-users. The Rock Hill companies are not LNP-

² See comments of Moultrie Independent Telephone Company at para. 2.

capable, but would still be obligated to pay for a database dip for all EAS calls and possibly some non-IXC handled intraLATA toll calls terminating in LNP-capable LEC areas.

The Rock Hill companies will experience significant LNP costs, with no apparent means of recovering those costs, without a waiver of the Commission Rules. Rock Hill has EAS and intraLATA area calling plans with BellSouth currently; therefore, Rock Hill will terminate a substantial number of calls into LNP-capable BellSouth exchanges each month. For each of these calls, Rock Hill is the N-1 carrier and will be billed for the associated LNP database queries.

It is reasonable that the Commission's rules do not directly assess an LNP charge on the monthly bill of customers who do not have access to LNP. However, since any ILEC whose customers place calls to NXXs served by an LNP-providing carrier does pay a database query charge, the ILEC acting as the N-1 carrier should have a method of cost recovery.

The Rock Hill companies support the establishment or clarification of a cost recovery mechanism, which would allow small and mid-sized ILECs, which are not currently LNP-capable, to recover their LNP related costs. As some of the commenters and the joint petitioners noted, an appropriate mechanism for the small and mid-sized ILECS to recover LNP costs would be recovery via traffic sensitive access charges. As noted in the comments of Clear Creek Mutual Telephone Company, traffic sensitive access charges

would be consistent with the Commission's determination that LNP costs are wholly interstate, yet satisfy the Commission's policy against imposing end-user charges on customers who do not receive the direct benefits of LNP.³

Rock Hill fully supports the Petition and respectfully requests that the Commission grant the waiver.

Respectfully submitted,

**ROCK HILL TELEPHONE COMPANY
FORT MILL TELEPHONE COMPANY
LANCASTER TELEPHONE COMPANY**

By: 

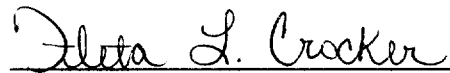
E.L. Barnes
Executive Vice President

April 16, 1999

³ See comments of Clear Creek Mutual Telephone Company at page 3.

CERTIFICATE OF SERVICE

I, Fleta L. Crocker, hereby certify that a copy of the reply comments of Rock Hill Telephone Company, Fort Mill Telephone Company, and Lancaster Telephone Company was sent on this, the 16th day of April, 1999, by Federal Express mail, postage pre-paid, to those listed below.



Fleta L. Crocker

Chief
Competitive Pricing Division
Common Carrier Bureau
Federal Communications Commission
5-A225
445 12th Street, S.W.
Washington, D.C. 20554

David A. Irwin
Tara S. Becht
Nathaniel J. Hardy
Counsel for Moultrie Independent Telephone Company
Irwin, Campbell & Tannenwald, P.C.
1730 Rhode Island Avenue, N.W.
Suite 200
Washington, D.C. 20036-3101

Mitchell A. Moore
President
Clear Creek Mutual Telephone Company
18238 S. Fischers Mill Road
Oregon City, OR 97045

International Transcription Service
1231 20th Street, N.W.
Washington, D.C. 20036